

CITY OF MUSKEGON
MUSKEGON HOUSING BOARD OF APPEALS
MEETING MINUTES
January 7, 2016

Vice Chairman W. Krick called the meeting to order at 5:30 p.m.

ATTENDANCE: K. Kolberg, W. Krick, R. Mackie, E. Simmons, B. Turnquist, G. Borgman, B. Arthur

ABSENT: None.

STAFF: H. Mitchell; J. Lewis, Public Safety Director; K. Briggs, SAFEbuilt; D. Renkenberger

OTHERS: K. Ware, 3392 Whitehall Rd; B. Daniels, 944 E Sextant; A. Stewart, 235 W. Larch; L. Walker, 1536 Park St; A. Bruce, 1520 6th St. Apt. 1; M. Rice, Muskegon County Equalization

Meeting Minutes:

A motion to approve the regular meeting minutes of November 5, 2015 was made by R. Mackie, supported by K. Kolberg and unanimously approved.

Old Business

Cases were heard out of order from that listed on the agenda, with those having representation present being heard first.

EN130182 – 1780 Jarman (Marsh Field Neighborhood).Linda Jones, 1676 Pine St., Muskegon, MI 49441. This is the eighth time this case has been before the board since December of 2013. At the November 2015 meeting the case was tabled until this month with the condition that the applicant provide an updated timeline and cost of repairs. That was not done, and all permits that were issued have now expired without inspections taking place. The 2014 taxes are delinquent to the County Treasurer, and the 2015 Summer taxes are past due to the City Treasurer. The 2015 Winter taxes are due in February 2016. Pictures of the property from 10/23/2015 were provided, as nothing has changed since they were taken. The owner did send an email to Kirk regarding some personal issues that had affected her progress.

K. Ware spoke on behalf of her sister, L. Jones, who was at work and unable to attend the meeting. She stated that her sister still wanted to save the house but had had some issues. She stated that L. Jones had given her a timeline showing that the electrical work would be done by the end of July, and the house would be livable by November. K. Briggs stressed that an updated timeline and cost estimate for repairs had to be provided to SAFEbuilt. W. Krick pointed out that all the permits had expired. K. Ware stated that L. Jones planned to obtain new permits once she received her income tax refund. The plan for the house was to bring it up to code and have her sister reside there. J. Lewis stated that the homeowner had been advised to stay in contact with SAFEbuilt back in June, and he was concerned that that had not happened. K. Kolberg stated that the exterior of the home looked good. K. Briggs stated that the exterior was done but the inside was still down to the studs. K. Ware stated that the estimates for the electrical work, drywall, and carpeting totaled around \$8,000. B. Arthur asked if the house was structurally sound. K. Briggs stated that it was. He also stated that the homeowner had had

some items such as electrical wiring stolen from the house while it was undergoing renovations. K. Kolberg asked if the house was secured now. K. Ware stated that it was boarded up using screws. B. Arthur stated that he was concerned about the delinquent taxes. M. Rice stated that the taxable value on the house was recently reduced, so future tax bills would be lower.

G. Borgman arrived at 5:40 p.m. and took over as Chairman.

Board members and K. Ware discussed the delinquent taxes. B. Arthur stated that he wanted to see a timeline in place and a tax payment plan.

A motion to table this case until the March meeting with the conditions that 1) an updated timeline be set up with SAFEbuilt, and 2) the applicant provide proof that a tax payment plan was in place was made by B. Arthur, supported by B. Turnquist and unanimously approved.

H. Mitchell suggested that the board require that the items be turned into SAFEbuilt no later than February 16. Board members concurred that that was acceptable.

EN140138 – 1153 Pine (McLaughlin Neighborhood). Brenda Daniels, 944 E Sextant Rd. Muskegon, MI 49441. This case originally came before the HBA on 5/14/14, and this is the fourth time it has been back before the board for failure to comply with board directives. Taxes are current; 2015 Winter taxes are due February 2016. The following information was posted on the structure after the June HBA meeting: *"The Housing Board of Appeals of the City of Muskegon has reviewed your case and ordered that it be tabled provided that you work with SAFEbuilt, by keeping in contact with SAFEbuilt and obtaining all the necessary permits for the repairs and having all the necessary inspections for those permits. If these conditions are not met, this case will be brought back before the Housing Board of Appeals at a date and time of which you will be notified."* A letter and cost estimates that were submitted by Ms. Daniels from 8/7/2014 were provided to board members. She had estimated everything should be done by 5/29/2015, with a side note that she could end up needing more time. A permit was obtained for some work on 7/17/2015 (permit # PB140607) which was to expire 1/13/2015. This permit was canceled on 10/19/2014. On 10/18/2015 Ms. Daniels submitted a letter to SAFEbuilt stating she would have the roof, windows, porch & siding completed by 3/16/2016. She obtained a permit to replace the former permit (from above) on 10/19/2015 which will expire 4/16/2016 (permit # PB150931). Due to the lack of progress, Kirk Briggs, SAFEbuilt Building Official, requested that this case be brought back before the HBA.

B. Daniels brought a list of items to be repaired, and stated that she would have the work completed by March 16. She stated that she had been unable to get a loan to do the work, due to the house being on the dangerous building list. K. Briggs stated that the house would remain on the list until repairs were completed. He also stated that it didn't appear that there had been much work done on the property so far. He cited an extensive list of repairs that needed to be completed, and pointed out that the case had already been in process for two years. G. Borgman asked K. Briggs what action he would like to see taken. K. Briggs stressed that SAFEbuilt needed the applicant to provide them with a complete list of repairs, including a timeline of when the repairs would be done, and realistic cost estimates for the work. He requested that the board be firm on that requirement, and require the applicant to return to the next HBA meeting with the requested information. G. Borgman repeated to B. Daniels what K. Briggs had requested. H. Mitchell stated that if the case was tabled until the February meeting, Ms. Daniels would have to get the information to SAFEbuilt by February 16. Board members decided to allow the applicant until March to get the required information.

A meeting to table this case until the March HBA meeting with the condition that the applicant provide a complete list of repairs including a timeline and repair costs to SAFEbuilt prior to the meeting was made by B. Arthur, supported by R. Mackie and unanimously approved.

J. Lewis requested that the board hear case EN155690 regarding 235 W. Larch next, since the homeowner's son was present.

EN155690 – 235 W Larch (garage only) (Nelson Neighborhood). Leslie Stewart, 235 W Larch, Muskegon, MI 49441. This case was originally heard at the July 2015 meeting and has been tabled several times since then. H. Mitchell provided board members with a detailed history of the case and the board's requests of the applicant. At the last meeting (November 2015), the case was again tabled with the stipulation that the homeowner stay in touch with SAFEbuilt and finish the repairs to the garage before the January HBA meeting. This was communicated to the applicant via letter and a posting on the structure itself. The work to the garage had still not been completed upon staff checking the status of the property, so a reminder notice was sent on 12/23/15. On 12/28/2015 a permit was applied for at SAFEbuilt to repair the garage per the dangerous building list and the permit was issued on 1/4/2016 (Permit # PB151132). No time line was submitted. The 2013 & 2014 property taxes are delinquent to the County Treasurer, and 2015 summer taxes are past due to the City Treasurer. The 2015 Winter taxes are due in February 2016.

A. Stewart appeared at the meeting on behalf of his mother, L. Stewart. He stated that he had been working on the garage but ran into a problem and did not have it finished yet. K. Briggs stated that a couple of cement blocks and pieces of siding needed to be taken care of still. He stated that the board could remove the structure from the dangerous building list as long as the repairs were finished within one week and the painting could be completed in the spring.

A motion to remove the structure from being a dangerous building, provided that the repairs are completed within one week with the painting to be completed in the spring; otherwise this case would need to return to the March meeting, was made by R. Mackie, supported by E. Simmons and unanimously approved.

K. Briggs advised Mr. Stewart to stay in touch with him regarding the status of the repairs.

K. Kolberg left at 6:05 p.m.

EN157069 – 1451 Park St. (Nelson Neighborhood). Antwan Bruce, 1520 6th St. Apt. 1, Muskegon, MI 49442. This case has been before the board numerous times. It was declared by the board in the past, but was returned to the HBA by the City Commission. H. Mitchell provided a history of actions taken on the property. The case was last tabled at the November 2015 with the owner being advised to contact the Building Official in SAFEbuilt to provide a reasonable timeline and cost estimates for the repairs, to obtain any required permits, have the progress inspections performed as required, and to stay in contact with SAFEbuilt should something change in their plans/timeline. They were instructed to have the information to SAFEbuilt no later than December 16, 2015, in order to give the HBA time to review the information prior to the January meeting. On December 28, a list of repairs with cost estimates and completion dates was supplied to SAFEbuilt; staff provided a copy to board members. Each section showed the date of completion as 3/31/2016. There was nothing listed for the total cost of repairs nor the final date of completion. The inspection reports were included at the end of the timeline and costs submittal. K. Briggs noted that the list was not complete, and that he had issued a stop work on the home. He also believed that the cost estimates were too low. Property taxes prior to

2015 are paid. The 2015 Summer taxes are past due to the City Treasurer as of 9/14/2015. The 2015 Winter taxes are due in February 2016.

L. Walker spoke on behalf of his son, A. Bruce. He took responsibility for failing to follow through on the board's requirements from the November meeting. He stated that he spoke to K. Briggs just recently and now had a revised timeline and cost estimates. He stated that he had the funds to finish the repairs and expected to be done by July 2016. The delay was due to the winter weather. K. Briggs stated that the current timeline was more realistic; the board could give them another 6 months to finish the repairs as they stated they would, or declare the house. G. Borgman asked staff's opinion. J. Lewis suggested that the applicants be required to return to the HBA at the April or May meeting, to ensure that progress was being made. A. Bruce stated that they had done a lot of work already and are making progress.

A motion to table this case until the April meeting so the board could get a progress report showing the repairs are progressing, was made by W. Krick, supported by R. Mackie and unanimously approved.

G. Borgman stressed to Mr. Walker that progress must be made before the April meeting. Mr. Walker agreed. K. Briggs stated that the next step was to come in to SAFEbuilt and obtain the necessary permits.

EN158002 – 1592 5TH ST. (Nelson Neighborhood). Donald Cheeks, 1488 Oak Ave., Muskegon, MI 49442. This case originally came before the HBA in August of 2015. H. Mitchell provided a history of activity on the case since that time. The case was last before the board in November where the board ruled that the case be tabled until January to give the applicant time to review the contractors' bids and decide whether or not to undertake repairs. The 2013 taxes were paid to the County Treasurer to avoid the tax foreclosure. The 2014 taxes are delinquent to the County Treasurer. The 2015 summer taxes are past due to the City Treasurer and the 2015 winter taxes are due to the City Treasurer in February 2016. After March 1, 2016 the 2015 summer & winter taxes will be sent to the County Treasurer.

K. Briggs stated that he had spoken to the homeowner today, who indicated that he was looking for a buyer for the home. He had inherited the house, and had recently gotten permission from the bank for a short sale. K. Briggs stated that the bones of the house were good, but it needed everything else. H. Mitchell stated that the Police and Inspections Departments had both been there recently due to some kids having broken in. K. Briggs and J. Lewis suggested a two-month postponement to allow the owner to find a buyer for the house.

A motion to table this case until the April meeting to allow the owner time to either sell the house or to come up with a reasonable timeline with costs, was made by B. Arthur, supported by R. Mackie and unanimously approved.

EN156241 – 340 W. Southern (Nelson Neighborhood) – Katina Bailey & Katrina Parham, 3231 Mall Ct. Apt. B-2, Michigan City, IN 46360. This case had been before the board at the September 2015 meeting, where it was tabled until November to give the owners time to submit a reasonable timeline with cost estimates for repairs, and to proceed with the repairs. They faxed in the defect list supplied by SAFEbuilt after their inspection, with some notes and figures written on it. However, much of it was not legible and it did not constitute an acceptable list of cost estimates for the November meeting. The case had been tabled until this meeting, with the stipulation that the applicant would obtain written quotes, provided a reasonable timeline for

repairs, and pull the necessary permits. Taxes are current; winter 2015 taxes are due to the City Treasurer February 2016.

K. Briggs stated that the applicants were supposed to be at the meeting with the timeline and cost estimates. There was no one present to represent the property nor was a reasonable timeline with repairs and cost estimates supplied. Staff has had no contact with the owners since the last meeting. A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by B. Arthur and unanimously approved.

EN150274 – 1302 Sanford (Nelson Neighborhood). Ramchandra Mishra, 1 Woodrow Ct., Battle Creek, MI 49015. This case has been before the board several times. H. Mitchell stated that the property owners had done some work on the house since the last meeting. K. Briggs stated that he was at the property about a week ago, and there was still a lot of work to be done. The board had previously stated that they wanted work completed by August of 2015, but they are way behind schedule. K. Briggs stated that much of the work that has been done was done without proper permits and the workmanship is of poor quality. The roof that was put on will have to be removed and re-done. There are other things that would also have to be re-done, due to the work being done wrong. J. Lewis stated that they did have two open permits, with the last one expiring in mid-May. Property taxes are current.

The applicant did not appear at the hearing. A motion to declare the structure substandard, dangerous and a public nuisance was made by E. Simmons, supported by R. Mackie and unanimously approved.

New Business

None.

Other

H. Mitchell updated board members on other properties in various stages of the dangerous building process, and grant funds available.